

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
 )  
 BARRY APPELMAN ) Group Art Unit: 2174  
 )  
 Application No.: 09/848,231 ) Examiner: Peng KE  
 )  
 Filed: May 4, 2001 )  
 ) Confirmation No.: 6250  
 For: PRESENCE STATUS INDICATOR )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Applicant thanks the Examiner for the Notice of Allowance mailed on October 12, 2011, which included an Examiner's Statement of Reasons for Allowance. Without withdrawing the allowed claims from issue, Applicant submits these comments for the record.

In the Statement of Reasons for Allowance, the Examiner made certain characterizations and assertions about the allowed claims and the art of record. Although Applicant agrees with the Examiner's ultimate conclusions that the claims are allowable over the art of record, Applicant does not necessarily agree with the Examiner's Statement and all of the characterizations and assertions therein.

While Applicant agrees that these elements of the independent claims are patentable, Applicant submits that the claims are allowable not just for the reasons identified in the Examiner's Statement. Each of the allowed claims is patentable based on the subject matter defined by the claim language and the combination of recitations thereof, and not just by the specific paraphrasing provided by the Examiner.

Furthermore, it is understood that the Examiner's characterizations were for purposes of referring to the prior art, and do not in any way imply that the claims are limited by words not actually present in the claims.

Should the Examiner disagree with Applicant's comments on the Statement of Reasons for Allowance, the Examiner is invited to contact the undersigned to resolve such disagreement.

If there is any fee due in connection with the filing of these Comments, please charge the fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: January 12, 2012

By:           /Eric J. Wendler/            
Eric J. Wendler  
Reg. No. 68,599